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# DISTRICT ATTORNEYS ASSOCIATION OF THE STATE OF NEW YORK

PRESIDENT  
**KATHLEEN M. RICE**  
NASSAU COUNTY



June 13, 2014

The Honorable Sheldon Silver  
Speaker, New York State Assembly  
Legislative Office Building, Room 932  
Albany, NY 12248

The Honorable Dean G. Skelos  
Majority Leader, New York State Senate  
Legislative Office Building, Room 909  
Albany, NY 12247

The Honorable Jeffrey D. Klein  
Leader, Independent Democratic Conference  
Legislative Office Building, Room 304  
Albany, NY 12247

Re: S.1695A/A.2026A – An act to amend the alcoholic beverage control law and the vehicle and traffic law, in relation to authorizing courts to suspend a driver's license where the holder fails to appear before the court, pay a fine, complete an alcohol awareness program or complete community service within the period of time established by such court.

Dear Speaker Silver, Majority Leader Skelos, and IDC Leader Klein:

On behalf of the District Attorneys Association of the State of New York (DAASNY), a voluntary organization comprised of the 62 elected District Attorneys in our State and the Special Narcotics Prosecutor of the City of New York, I write to you in support of S.1695A/A.2026A. This legislation, if passed, would provide much-needed teeth to our local courts in cases involving underage possession of alcohol. The result would be that a youth's first impression with the criminal justice system would be the correct one – that the process must be respected and that, if respected, can even be for the youth's own benefit.

The main tenet of the bill is to allow a court the discretionary power to suspend the driver's license of an individual who fails to appear on his or her court date, pay a fine imposed by the court, complete an alcohol awareness program in the manner directed by the court, or complete community service as ordered by the court. This discretionary power would be a significant enforcement mechanism for the court's various sentences. The current situation, where there is a void of power, is simply unacceptable for three reasons: (1) a court must have the capability to compel respect for its mandates, (2) a first-offender youth must not be left with the impression that he or she will not be held accountable for a breach of the law, and (3) the offense itself must be used to educate a young offender as a prevention mechanism against greater harm.

C/O NASSAU COUNTY DISTRICT ATTORNEY'S OFFICE  
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## DISTRICT ATTORNEYS ASSOCIATION OF THE STATE OF NEW YORK

Furthermore, it is an apt corollary to link underage drinking with driving privileges. A driver's license has particular value to a young offender. The loss of a license is a significant, but non-criminal sanction. It informs the young offender that the matter is serious without involving a criminal conviction. It also recognizes the potential for the risk-taking behavior of underage drinking to spill over into the deadly behavior of drinking and driving. The roads have become far too perilous to risk any further irresponsibilities – especially those which can be mitigated. In this vein, it must be noted that the individuals who fall into the crosshairs of this bill are young drivers, charged or convicted with underage drinking, who demonstrate either flippancy towards court proceedings or apathy towards court sentences. This legislation, therefore, accomplishes two goals within the same tenet – it arms courts and safeguards public roadways.

Finally, this loophole in the current state of underage drinking law – which begets laxity – does not comport with the disquieting statistics on the consequences of underage drinking. Teens consume an estimated twenty percent of all alcohol products, in spite of the underage prohibition. Moreover, research indicates that ninety percent of alcohol imbibed by teens occurs during periods of binge-drinking. Early alcohol exposure creates a lifetime of risk – fifty percent of teens who begin drinking before age fifteen later encounter and suffer through alcohol abuse or dependency, in addition to an increased risk of motor vehicle crashes, suicide, fall injuries or deaths, and poisoning – to name a few. Data indicates that children are drinking earlier, more often, and for the express purpose of becoming intoxicated. In short, there is a specific, justified, and important goal to the alcohol awareness programs mandated by the courts.

For these reasons, DAASNY strongly supports S.1695A/A.2026A, is encouraged by its passage in the Senate, and looks forward to seeing this bill enacted into law.

Sincerely,



**KATHLEEN M. RICE**  
District Attorney, Nassau County  
President, DAASNY

cc: Governor Andrew M. Cuomo